REMARKS

Claims 1-16 are currently pending in the subject application and are presently under consideration. Claim 10 has been canceled. Claims 1-4, 6-7, 9, 11-13 and 15-16 have been amended. Claims 17-42 have been canceled and are being pursued in divisional applications. Applicants' representative thanks the Examiner for the withdrawal of the rejection under 35 U.S.C. §101.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I.   Rejection of Claims 1-4, 6, 7, 9-14 and 16 Under 35 U.S.C. §102(e)

Claims 1-4, 6, 7, 9-14 and 16 stand rejected under 35 U.S.C. §102(e) as being anticipated by Teegan, *et al.* (US 6,748,555). This rejection should be withdrawn for at least the following reasons. Teegan *et al.* does not disclose *each and every* limitation of the subject claims.

> A single prior art reference anticipates a patent claim if "*each* and *every* limitation set forth in the patent claim" is disclosed either expressly or inherently. (*Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 1295, 63 U.S.P.Q.2d 1597, 1599 (Fed. Cir. 2002) (citing to *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1052-53 (Fed. Cir. 1987))) (emphasis added). Moreover, "[t]he *identical* invention must be shown in as *complete* detail as is contained in the patent claim." (*Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989) (citing *Jamesbury Corp. v. Litton Industrial Products, Inc.*, 756 F.2d 1556, 1560, 225 U.S.P.Q. 253, 257 (Fed. Cir. 1985); and *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548, 220 U.S.P.Q. 193, 198 (Fed. Cir. 1983))) (emphasis added).

Teegan *et al.* discloses a software manager for monitoring software objects. (*See e.g.*, Teegan *et al.* at Abstract). The software manager is operable to derive program-level metrics to provide an overall picture of a software object's performance. (*See e.g.*, *Id.*). Teegan *et al.* does not disclose gathering and aggregating operational metrics indicative of one or more *states of a plurality of member machines configured as an array of machines*, a unified result set indicative of the *system-wide state of the array of machines* or an interface for providing the unified set result to a requestor *as if the array of machines were a singular machine* as recited in the subject claims.

II.   Rejection of Claims 1, 3-8 and 15 Under 35 U.S.C. §102(e)

Claims 1, 3-8 and 15 stand rejected under 35 U.S.C. §102(e) as being anticipated by Salzberg, *et al.* U.S. Publication No. 2003/0086536, KPMG Consulting Inc. (hereinafter Salzberg-KPMG). This rejection should be withdrawn for at least the following reasons. A declaration under 37 C.F.R. §1.131 was previously filed on May 23, 2005, a copy of which is enclosed herewith. This declaration shows that the subject matter recited in the claims was reduced to practice prior to the effective date of Salzberg-KPMG. Accordingly, this rejection should be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP125US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN & TUROCY, LLP
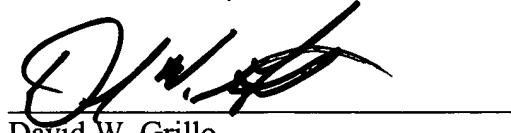
David W. Grillo
Reg. No. 52,970

AMIN & TUROCY, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731

Main MMC console

Application_Center_Server - [Console Root\Application Center Server\MyKillerCluster]

Console Window Help

Action View Favorites

Tree Favorites

Console Root
Application Center Server
MyKillerCluster
Members
Applications
Event
Moni

MyKillerCluster

All Tasks
Set offline
New Window from Here
Refresh
Properties
Help

Remove server from RAC

Server Status
OR1BR1GK001AS Online, Alive

MyKillerCluster Unknown

Synchronize the cluster

Cluster Performance

Help on this page

Edit cluster IP Addresses

Charted Period
Fifteen Minutes

Refresh

4:00:00 PM   7:36:40 PM   7:39:10 PM   7:41:40 PM   7:44:10 PM

100

50

0

Color	Min	Max	Average	Last	Scale
	6.60660660	21.5215215	20.0462578	6.60660660	1
	12890112	13479936	8298058.25	12890112	0
	0.85175845	2.34927270	5.50277259	0.85175845	0

Add   Remove

Contains operations that can be performed on the object.

Monitoring

- integrated monitoring tools
  - Roll up perf, event, log data from across multiple servers into integrated console
  - Allow drill down into specific machines, resources
  - NON GOAL: Usage Analysis / Data Mining
- Self-healing, Self-tuning
  - Monitor health of servers and applications
  - Set thresholds for acceptable performance
  - Fix it if we can
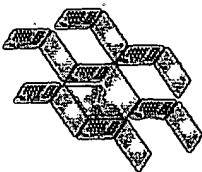
AppCenter Performance Monitor

- Real-Time to Intraday to Weeks to Years
  - Rollup data to store larger time periods
  - Interpolate down large time periods to fit chart
- Graphing View
  - Can select which counters to graph
  - Counters in a 10-15 preset list.
  - Last value, avg/sum, min, max across servers
- Default charts in main UI
- Custom charts in separate windows

Performance Monitor UI

Server Status
- ASUTTOWER02 Online (live)
- ASUTToWER01 Online (live) Pt 2

Synchronization
- ASUTToWER01 As Live (new)
- Deployment iCizes
- Success
- Unknown

Processor Utilization
Memory Available Bytes

	Last	Average	Min	Max	Graph	Color	Scale
Processor Utilization	12.6899625	12.6899625	0				1
Memory Available Bytes	121193792	121193792	107984407.4				

Charted Period: Fifteen Minutes

Viewing the Logs

- View event logs for cluster or per server
  - Log agent does distributed query, aggregates, and sorts
- Cluster Event Viewer (AppCenter, Windows, etc.)
  - Filter by source, type, date, server, severity

Log Viewer UI
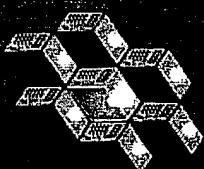
Distributed Query Architecture

Cluster Controller

MSDE Server 1

MSDE Server 2

MSDE Server 3

ASP

LogQueryHelper

LogQuery
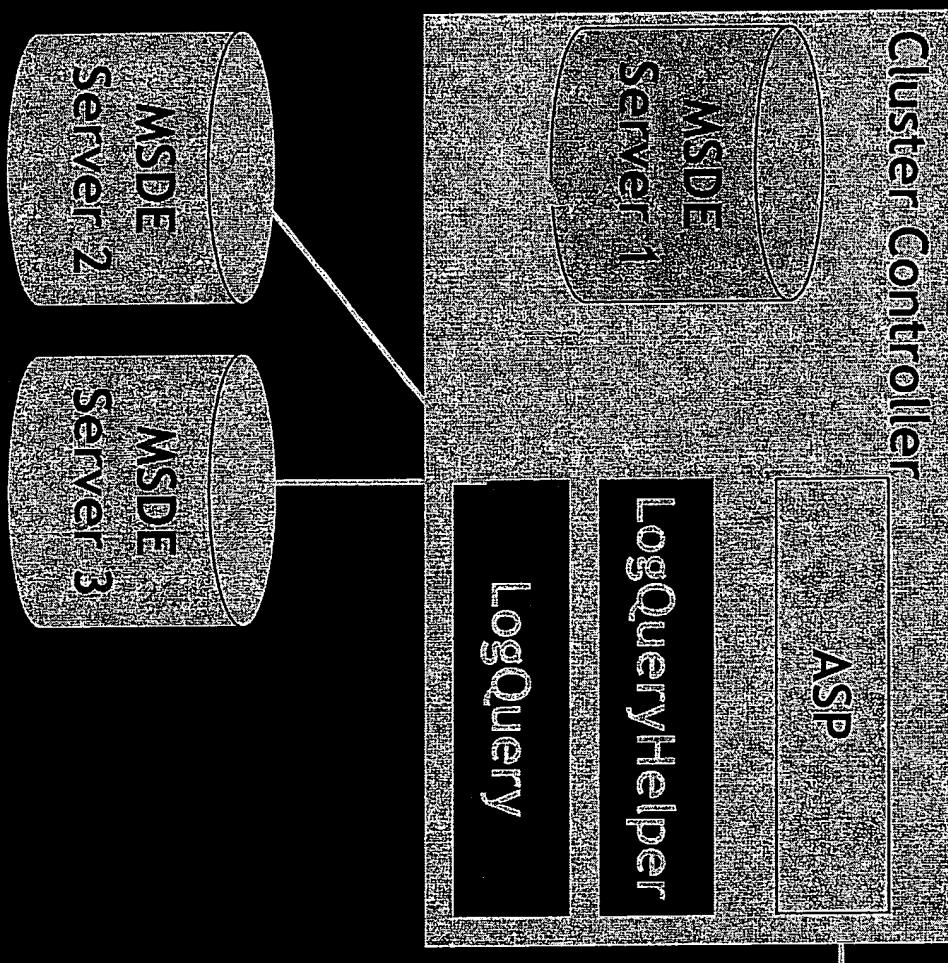
1. Parse Query
2. Run Query
3. Aggregate and Format Results
4. Return to UI

EXHIBIT B

Events: List View

- Sorted by Date
- Severity
- Server
- Source
- Event ID
- Description

Events: Details

Eventing → Logging → Monitoring

- Severity, date, time, server
- Description
- Category, subcategory
- Long Message
- Links to help and support
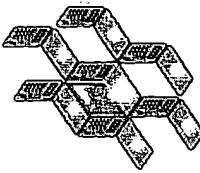
Cluster Event Rollup

- Rollup in LogQueryHelper
  - Events aggregated across the cluster
  - Sorted by time
- Creates virtual record set
  - Paging in the uses same query
  - Pass GUID of last record seen as bookmark
  - Page up, down, top, bottom
- Unreachable server is "soft error"
  - Available data returned with an error

Performance Viewer

in Application_Center_Server - [Console Root\Application Center Server\asuttoncluster]

Console Window Help

Action View Favorites

Console Root
Application Center Server
asuttonCluster
Members
ASUTTONBRICK1AS
Events
Monitors
asuttonbrick2as
Events
Monitors
Applications
Events

asuttonCluster

Edit cluster IP Addresses... | Synchronize the cluster | Refresh

Server Status

ASUTTONBRICK1AS (Online) (Alive)
asuttonbrick2as (Online) (Alive)

Synchronization

ASUTTONBRICK1AS Unknown
asuttonbrick2as Success
asuttonCluster (Unknown)

Cluster Performance

Charted Period: Fifteen Minutes

Color | Scale | Counter Name | Min | Max | Average
| Processor Utilization | 12.6938425 | 12.6938425 | 96.0221044 | 0 | 1 |
| Memory Available Bytes | 12193792 | 12193792 | 10796497.4 | 0 | 0 |

Help on this page

0 10 20 30 40 50 60 70 80 90 100

7:01:20 PM   7:03:50 PM   7:06:20 PM   7:08:50 PM   7:11:20 PM   7:13:50 PM

Performance Viewer

- Add Counters
- Time periods
  - 15 minutes
  - 1 hour
  - 1 day
  - 1 week
  - 3 months
- Auto scaling
- Default counters
- Persist selection

Eventing

Logging

Clustered Performance

Fifteen Minutes
One Hour
One Day
One Week
Three Months

Color	Counter Name	Min	Max	Average	Last	Scale
	Processor Utilization	12.0302397	100	94.9652348	0	1
	Memory Available Bytes	4268032	26726400	10840605.4	0	0

Add   Retrieve

100
90
80
70
60
50
40
30
20
10
0
7:01:40 PM   7:04:10 PM   7:06:40 PM   7:09:10 PM   7:11:40 PM   7:14:10 PM
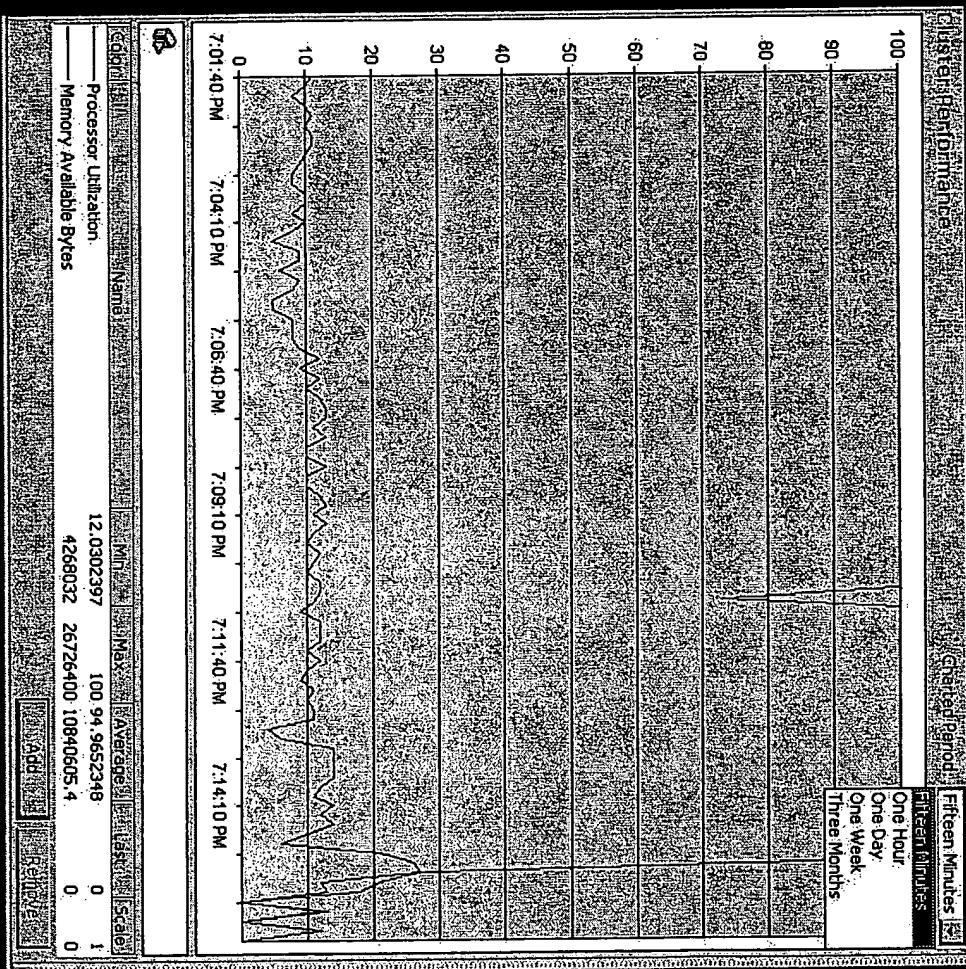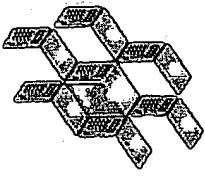
Performance Viewer Cluster Rollup

Eventing
Logging
Monitoring

- Aggregation method in counter configuration
  - 0 - None
  - 1 - Average of Values
  - 2 - Sum of Values
  - 3 - Last Value
  - 4 - Min Value
  - 5 - Max Value
- Cumulative counters reset to 0 each session
  - Different from perfmon
  - Growth vs. spikes
- Can't show one counter across server

ApplicationCenter 2000

Health Monitor Console

- MMC view, no web
- Monitor multiple servers
- Configuration
- Drag and Drop
- Statistics

Eventing

Logging
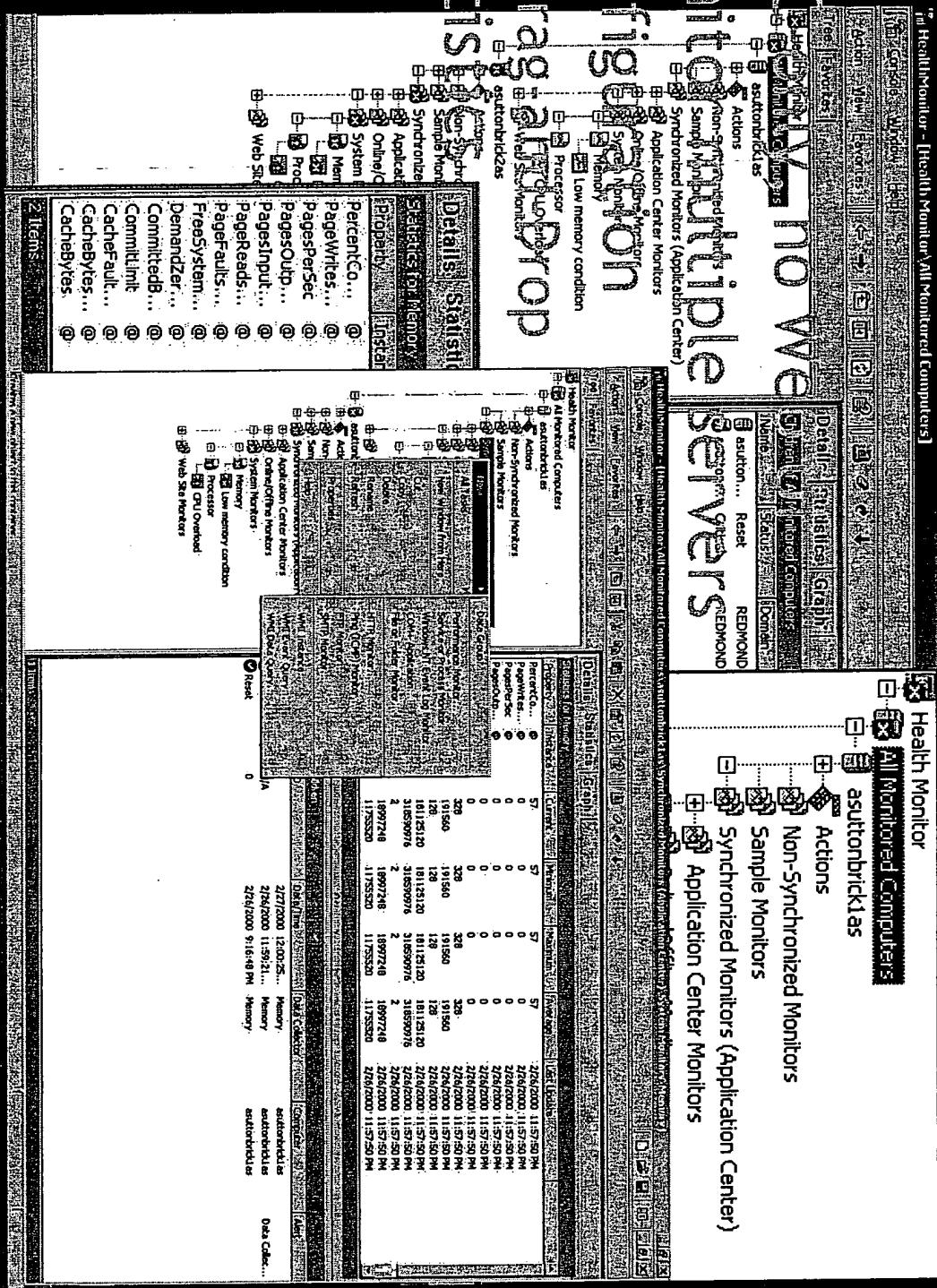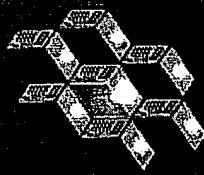
Server Health Rollup

- Top-level view of server health
  - System status from HealthMon
  - Not the online/offline group

Eventing
Logging

Server Status

ASUTTONBRICK Online, Alive

asuttonbrick2a5 Online, Alive
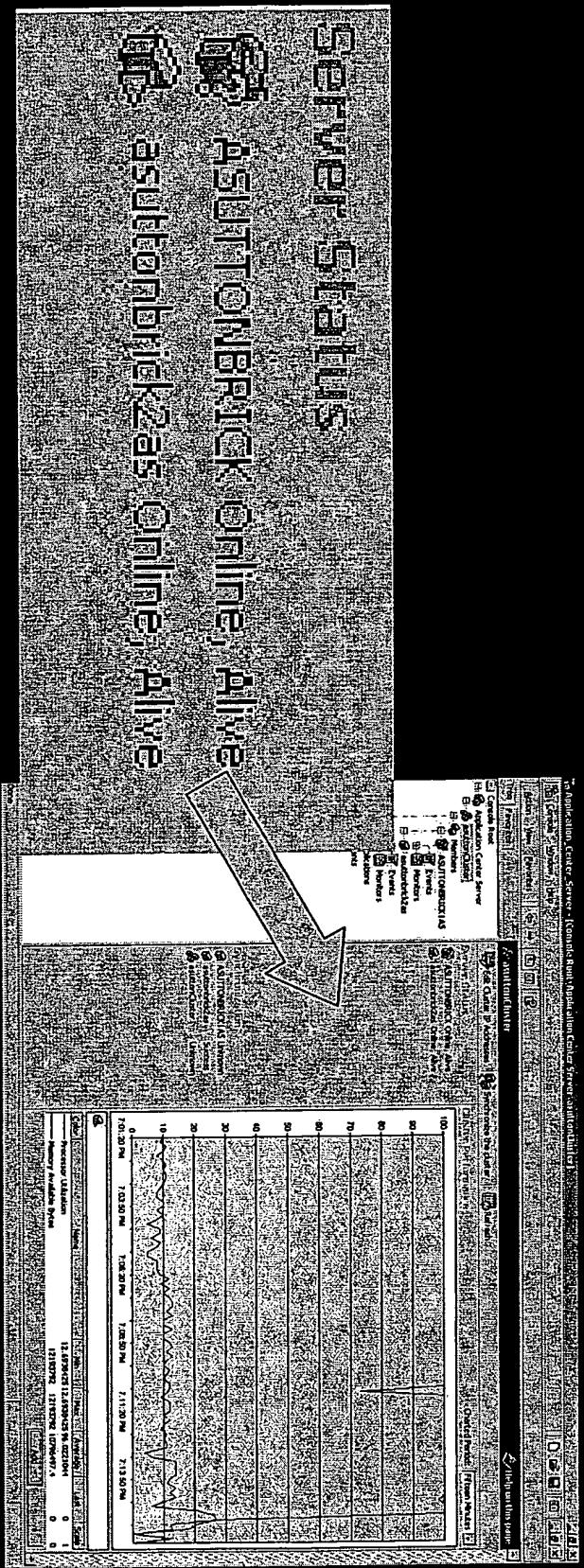
EXHIBIT C
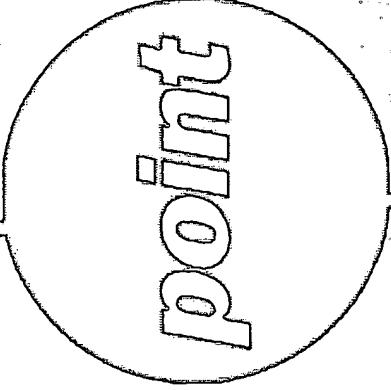
point

the defining

Microsoft
PDC 2000
Professional Developers Conference

Application Center 2000: Ensuring Reliability/Availability of Web and Component Applications
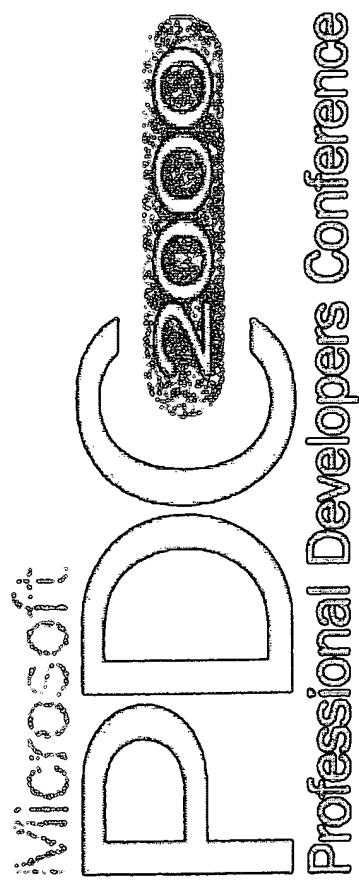
Justin Grant
Lead Program Manager
Application Center

Agenda...

- Application Center 2000 overview

- Distributed Application Monitoring

- WMI: the infrastructure of management of Windows DNA and .NET

- Managing and guaranteeing application availability with Application Center
  - Performance Management
  - Event Management
  - Health Monitor for automated "lights-out" recovery from application or system failures

Scale-Out

- Software scale-out model works
  - □ Cost-effective using commodity hardware
  - □ Scalable by adding more servers
  - □ Highly reliable
- But...
  - □ Ongoing operational costs
  - □ Difficult to deploy apps
  - □ Difficult to monitor apps for proactive management
  - □ Difficult to test apps
- Application Center 2000
  - Lower cost & complexity of scale out

AC 2000: Functional Overview

- **Simple *Application* Management**
  - Single application image
  - Deployment and synchronization

- **Software Scaling Made Easy**
  - On-demand scalability
  - Integrated load balancing management

- **Mission-Critical Availability**
  - No single point of failure
  - Performance and health monitoring

Platform Support

- **WinDNA 2000**
  - ☐ Win2K Server, Advanced, DataCenter
  - ☐ IIS 5, Active Server Pages (ASP)
  - ☐ COM+ 1.0
 - ☐ WMI
- **.NET**
  - ☐ Load Balancing for Web Services, ASP+ integrated with application-level monitoring
  - ☐ Richer instrumentation of .NET framework
  - ☐ Easier instrumentation of .NET applications
  - ☐ More integration with Application Center

Application Center Scenarios

- .COM's
- Hosting Providers & ASP's
- Intranet
- Web Services

Application Center Topology

web + biz-logic + data
tier   tier   tier
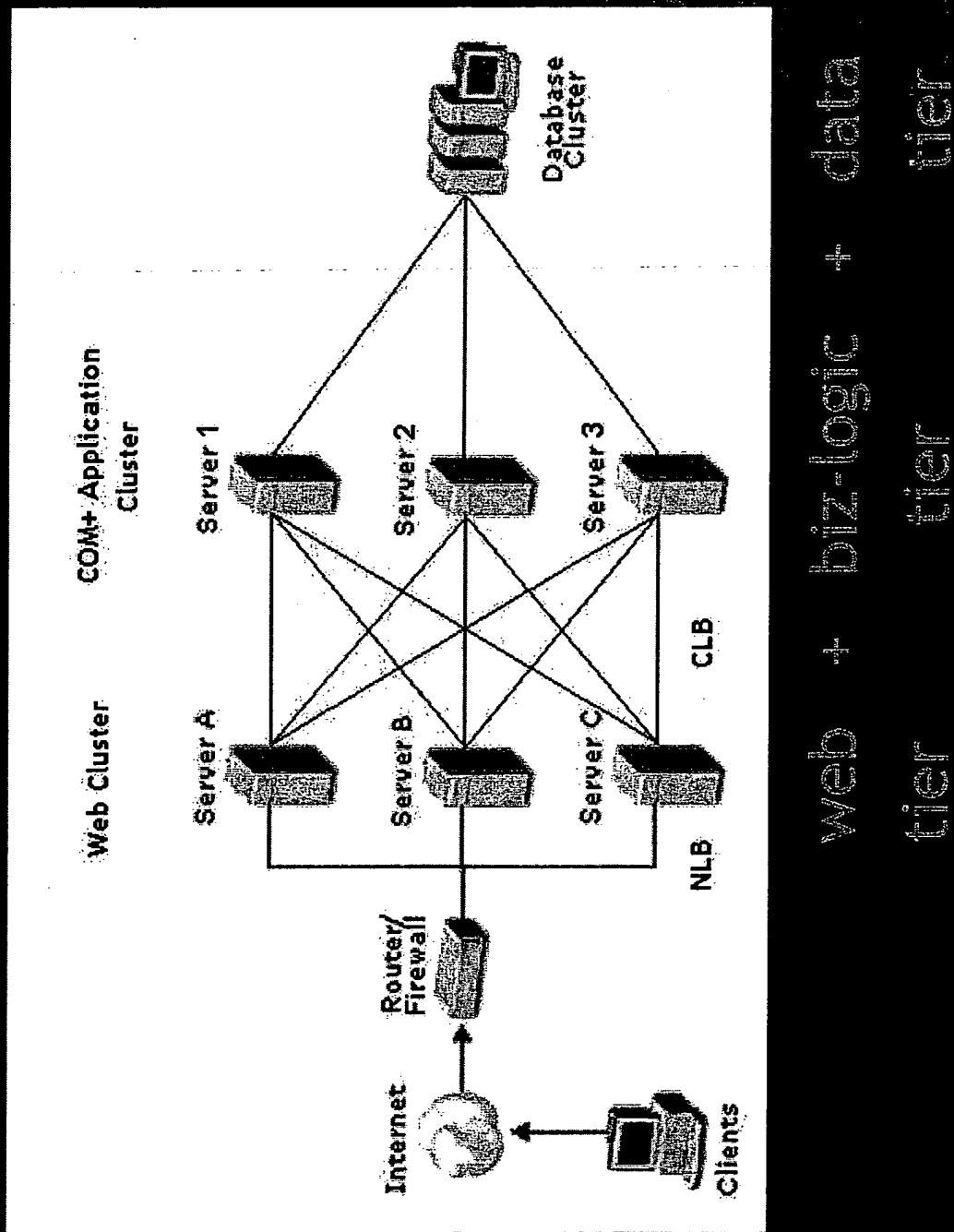
Application Center 2000: High-Availability Architecture

■ **"Shared Nothing" clusters**

  □ No single point of failure

  □ Application availability not affected if Cluster Controller fails

 □ Fault-tolerant load balancing protects users from server or application failures

■ **Local Monitoring**

  □ Every server monitors itself

  □ If critical failure detected, server can remove itself from load balancing

■ **Remote Monitoring**

  □ Rich application-level (HTTP,TCP/IP,etc.) and network level (ICMP,SNMP,etc.) remote monitoring

Monitoring For Availability

## Goal: Customers can access your site

Detect → Analyze → Fix
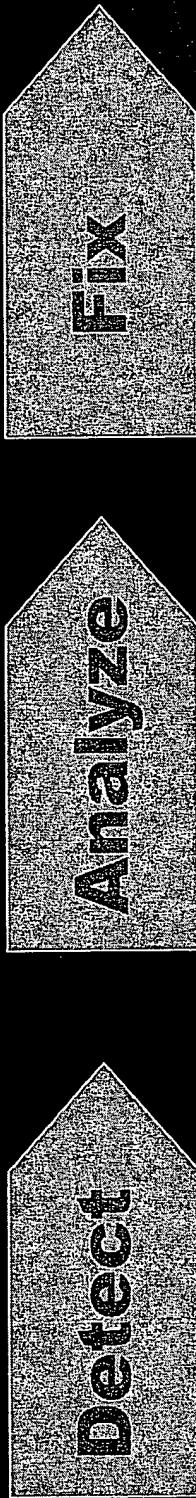
WMI + Application Center

Monitoring Health

Web Server **COM+** **Database**

System: Processor, Memory, Disk

System

System

System

Service

Service

Service

Web Counters
Service Status
Event Log

COM+ Counters
CLB Events

SQL Counters
Events
Queries
TCP Port

Application: HTTP Request & Instrumentation

Demo: System Health

Detect

Analyze

Fix
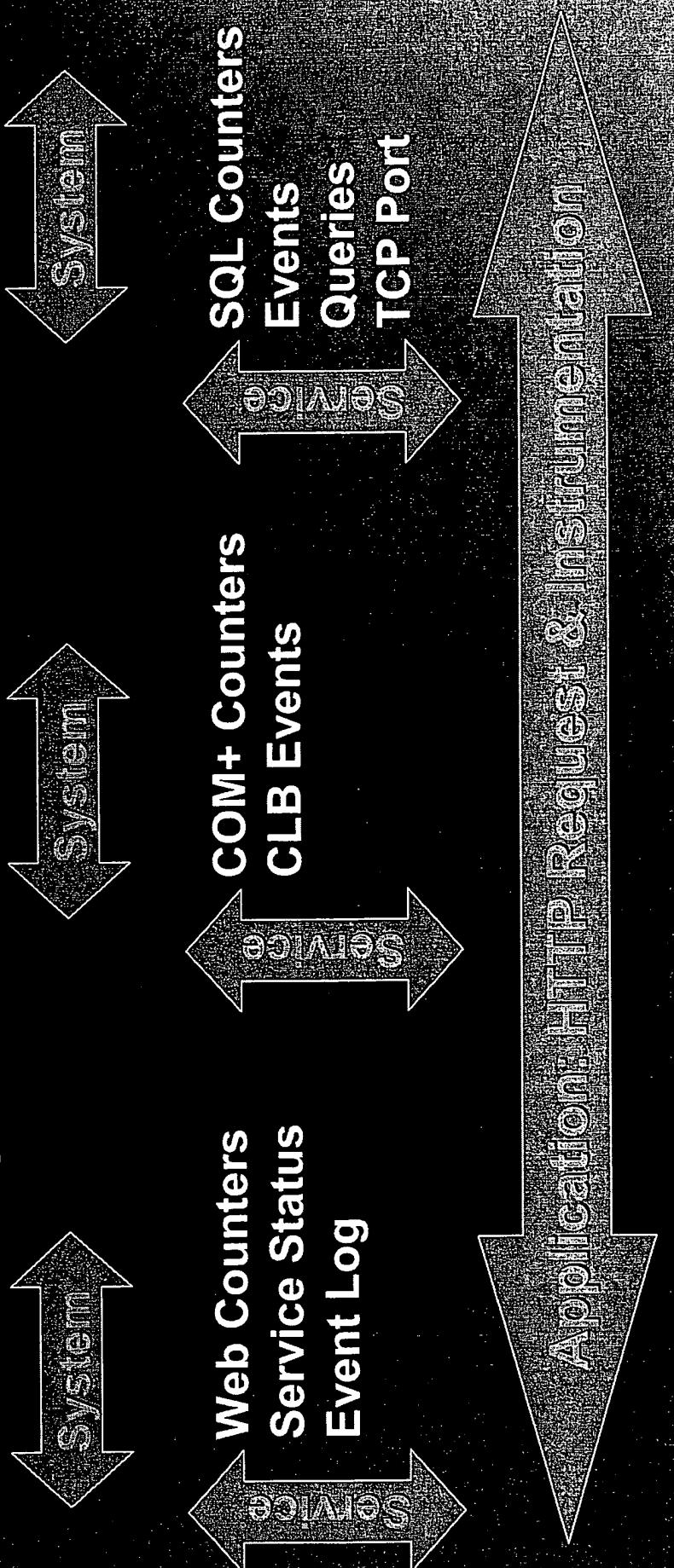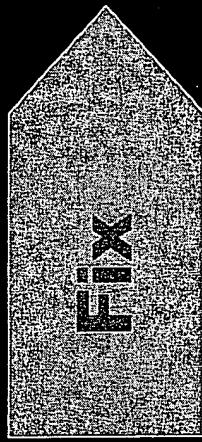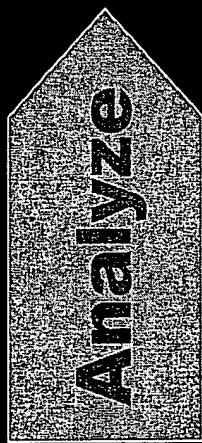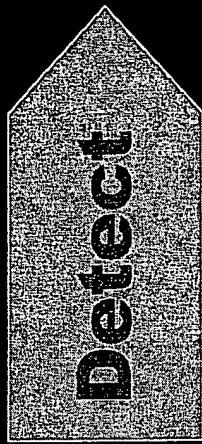
- Create monitor for CPU overload
- Associate action
- Generate CPU load
- Health Monitor console
- E-mail to administrator

Using Health Monitor

HealthMonitor - [Health Monitor\All Monitored Computers]

Console Window Help

Action View Favorites

Tree | Favorites

Health Monitor
  All Monitored Computers
    ASUTTON0-TEST
      Actions
      Non-Synchronized Monitors
      Sample Monitors
      Synchronized Monitors (Application Center)
        Application Center Monitors
        Online/Offline Monitors
        W3Svc monitor
        System Monitors
        Processor
        Web Site Monitors
        Home Page verification

Details | Statistics

Children of All Monitored Computers

| Name	Status	Domain	OS	WMI Version	Normal	Warning	Critical
ASUTTO....	Critical	REDMOND	Microsoft	1.50.1085....	1	0	1

Alerts for All Monitored Computers and its children

Severity	ID	Date/Time	Data Collector	Computer
Reset	102	6/3/2000 3:54:37 PM	Processor	ASUTTON0-TEST
Critical	302	6/3/2000 3:54:37 PM	Home Page verification	ASUTTON0-TEST
Reset	301	6/3/2000 3:54:37 PM	Home Page verification	ASUTTON0-TEST
Reset	201	6/3/2000 3:55:07 PM	W3Svc monitor	ASUTTON0-TEST

1 Items

0 Items

Data Collectors

- Perf counter
- Event Log
- Service/Process
- COM+ Application
- HTTP requests
- File or Directory
- Ping
- TCP/IP port connect
- WMI instance, event and data queries

Performance Monitor Properties

General | Details | Actions | Schedule

Specify the Windows NT Performance Monitor data to monitor (for example the amount of available disk space on a logical disk)

Object: Processor   Browse...

Counter:
- [ ] APCBypassesPerSec
- [ ] DPCBypassesPerSec
- [ ] DPCRate
- [ ] DPCsQueuedPerSec
- [ ] InterruptsPerSec
- [ ] name
- [ ] PercentDPCTime

Instance: Processor.name="0"   Browse...

[ ] Requires manual reset to return to normal

OK   Cancel   Apply   Help

Schedule

- Collection Times
- Interval
- Average

Processor Properties

General | Details | Actions | Schedule

Specify when and how often to collect data. You can also specify how many data samples are used to calculate the average value.

Collection days
- [x] Sunday [x] Monday [x] Tuesday [x] Wednesday
- [x] Thursday [x] Friday [x] Saturday

Collection times
- (•) All day
- ( ) Only from [12:57 PM] to [12:57 PM]
- ( ) All day except [12:57 PM] to [12:57 PM]

Collection interval
Collect every [60] [seconds]

Total samples for average calculation: [6]

OK | Cancel | Apply | Help

Thresholds

- Single property
- Current value, average, change
- Single or multiple occurrences
- State change
- Fires WMI Event

Threshold Properties

General | Expression | Message | Actions

Specify the condition that must be true to change the status of this item. If an action is associated with the change in status, that action will be run.

Monitoring: Performance Monitor

If this condition is true:

If the current value for

[Real Number] Percent Processor Time

Is greater than | 90

Duration:

○ Any time this occurs
● At least | 6 | times in a row (2 mins)

The following will occur:

The status changes to Critical

OK | Cancel | Apply | Help

Actions

- E-Mail
- Text log
- Windows log
- Command line
- Script

WMI Overview

WMI Consumers

WMI Consumers

WMI Consumers

WMI

WMI
Providers

Registry

Perf.
Counters

Event
Log

WMI
ext for
WDM

SNMP

DMI
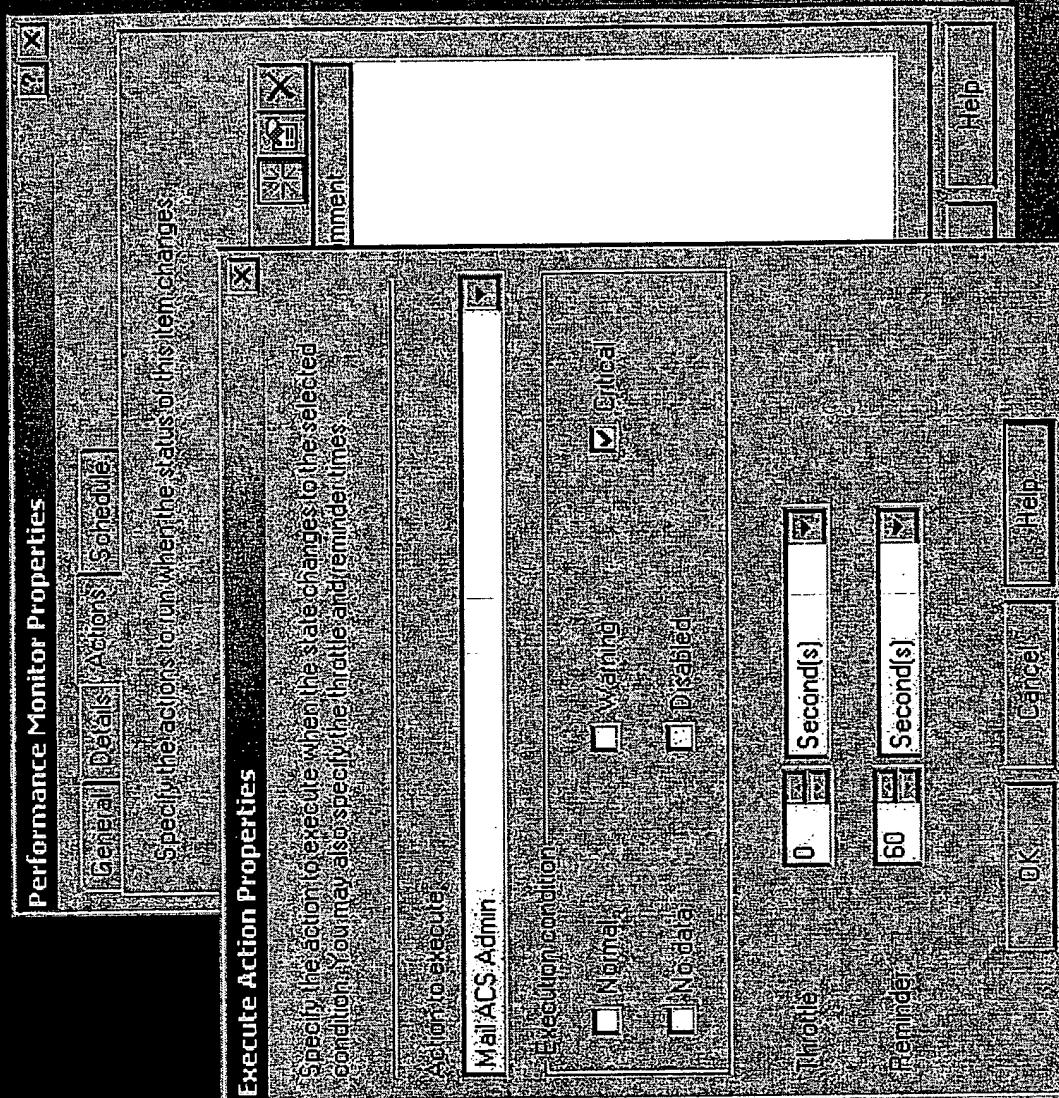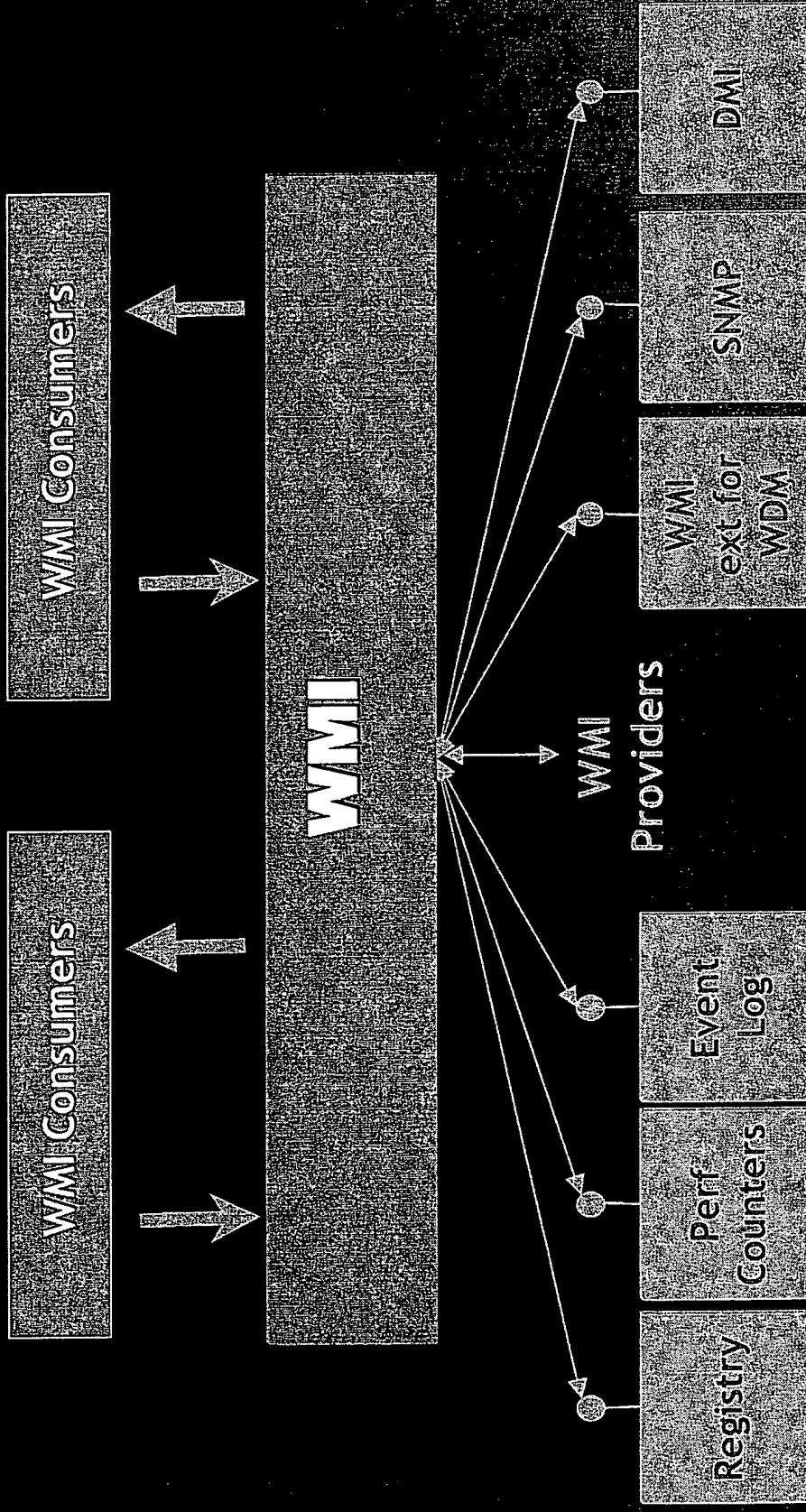
WMI Queries

All CIM objects are queryable
```
IWbemServices::ExecQuery
  ("select * from Win32LogicalDisk
     where Win32LogicalDisk.FreeSpace < 2000000")
```

SQL subset w/ new terms

Extensions for Discovery/Traversal of Schema relationships
```
IWbemServices::ExecQuery
  ("Associators of {Win32_Service = 'DHCP'})
```

Event filtering (thresholds, aggregation, inheritance)
- XXX -- for specifying the tolerance for event delay
- -- registration applies to all events from class (incl. derived classes)
- XXX (within group by clause) --specifies aggregation interval
```
select * from  InstanceModificationEvent within 5
where TargetInstance isa Win32_LogicalDisk
group by DriveLetter
within 10 having count > 25
```

## Tip: use wbemtest or CIM Studio

Health Monitor Data Flow

Data Collector

Service=W3SVC

Threshold

Started !=1

Action

E-mail Admin

Run online.exe

```
Select * from Win32_Service
where Name= "W3SVC"

instance of Win32_Service
{
    . . .
    Name = "W3SVC";
    Started = TRUE;
    State = "Running";
    . . .
};
```

WMI Overview

WMI Consumers

WMI Consumers

WMI Consumers

WMI

WMI Providers

Registry

Perf Counters

Event Log

WMI ext for WDM

SNMP

DMI

WMI Overview

Email
Script

Health
Monitor
Agent

Data Coll

Thresholds

WMI

Perf Mon

HTTP

Event Log

Demo: System Health

Detect

Analyze

Fix

- Monitor for CPU spikes
- Generate CPU load
- Application Center Perf Viewer
- Application Center Event Viewer
- Application Center Monitor Viewer

Performance Counters

Unified Event Log

Product	Type	Source	EventID		Filter
All	Errors and Warnin...				

| Date	Time	Server	Source	EventID	Description
6/3/2000	4:29:44 PM	ASUTTONO-TES	Service Control Man	7032	Windows - System
6/3/2000	4:29:30 PM	ASUTTONO-TES	Perflib	2002	Windows - Application
6/3/2000	4:29:27 PM	ASUTTONO-TES	DCOM	10010	Windows - System
6/3/2000	4:29:22 PM	ASUTTONO-TES	Home Page verificati	302	Health Monitor - Page Returned an error
6/3/2000	4:29:17 PM	ASUTTONO-TES	Service Control Man	7023	Windows - System
6/3/2000	3:54:50 PM	ASUTTONO-TES	Cluster	4036	Application Center and cates that the Cluster
6/3/2000	3:54:37 PM	ASUTTONO-TES	Home Page verificati	302	Health Monitor - Page Returned an error
6/3/2000	3:54:36 PM	ASUTTONO-TES	IISInfoCtrs	1003	Windows - Application
6/3/2000	3:54:36 PM	ASUTTONO-TES	W3Svc monitor	201	Health Monitor - W3Svc Stopped/Started
6/3/2000	3:54:36 PM	ASUTTONO-TES	Monitoring	8022	Application Center -
6/3/2000	3:54:36 PM	ASUTTONO-TES	Monitoring	8022	Application Center -
6/3/2000	3:54:36 PM	ASUTTONO-TES	Monitoring	8022	Application Center -
6/3/2000	3:54:35 PM	ASUTTONO-TES	Monitoring	8022	Application Center -
6/3/2000	3:54:35 PM	ASUTTONO-TES	IISInfoCtrs	1003	Windows - Application

6/3/2000 3:54:50 PM ASUTTONO-TEST

Application Center

Source: Cluster   Loadbalancing

The server was not brought online because monitor state is critical.

View troubleshooting information for this event.

Visit Microsoft Support Online for support information (KB articles, etc.) for this event.

Cluster-Wide View

Cluster Controller

AC Admin

Rollup Component

MSDE Server 1

MSDE Server 2

MSDE Server 3

Events

Performance

Log Access Possibilities
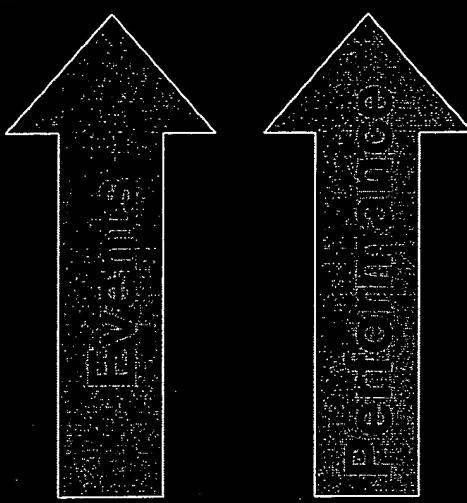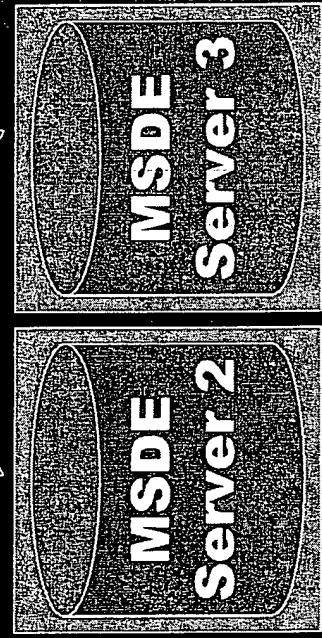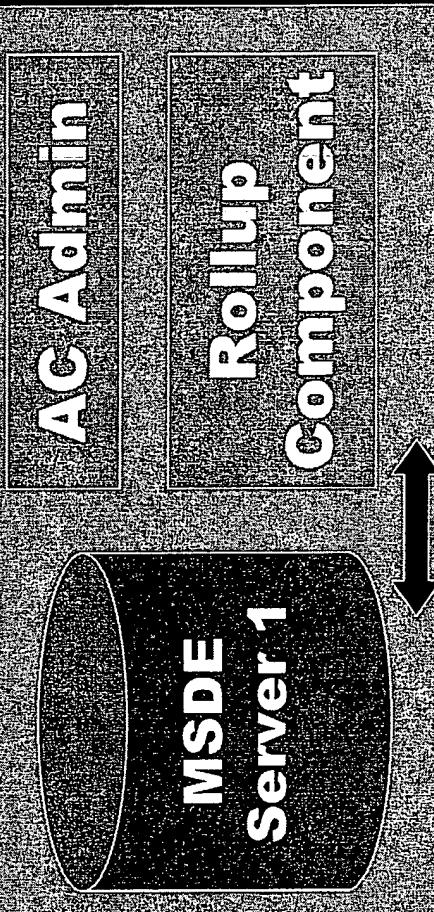
SERVER (All)

Cluster Performance Counters

Average

Name:
- Processor Utilization
- TCP Connections Established

PivotTable

PivotChart

TimeMea
ServerA
SER

(Data2)
ClusterA
Days

Name
Scale
Months

Status
Units
Process

Access
ServerG

Chart

Processor Utilization

100
90
80
70
60
50
40
30
20
10
0

10 PM
3-Jun
Jun

10 AM
2 AM
4 AM
6 AM
8 AM
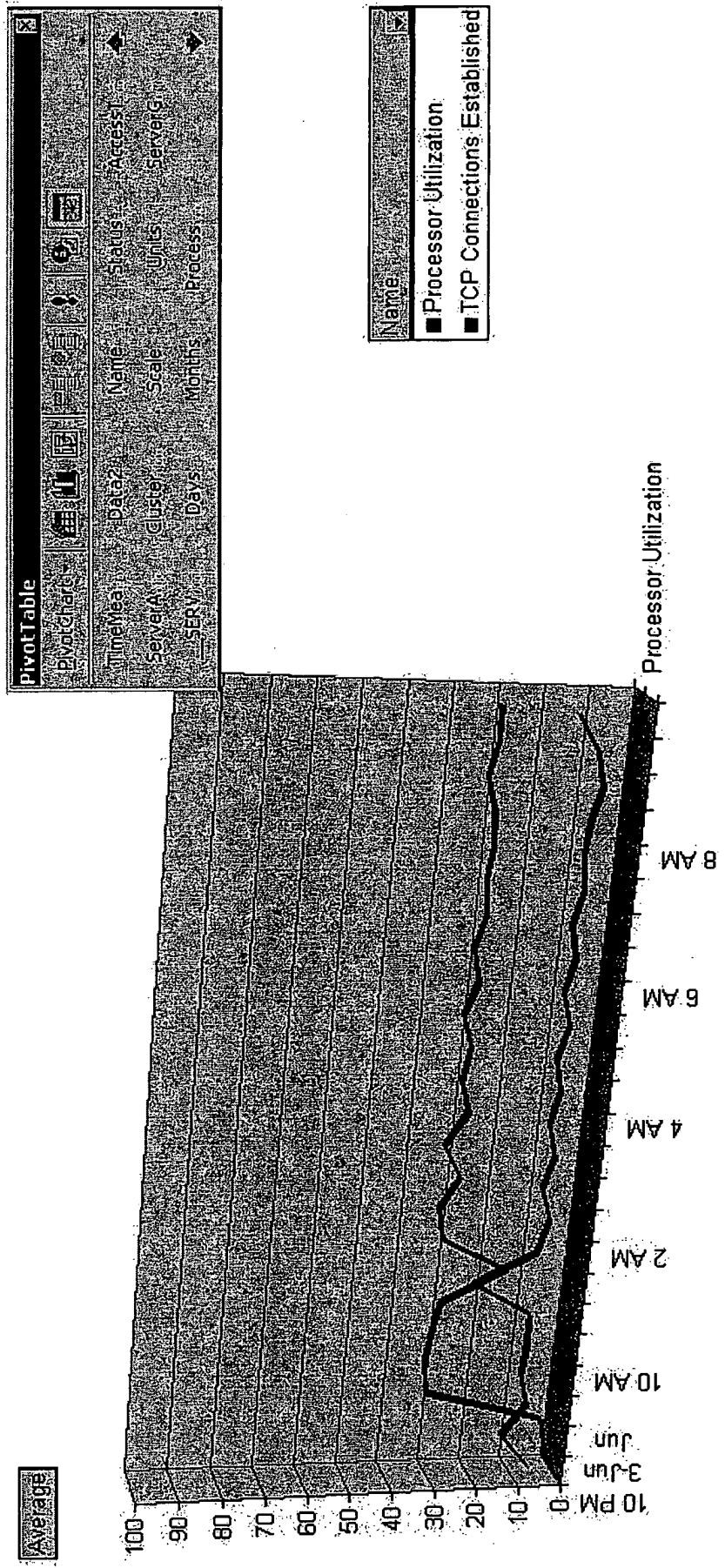
Months Days TimeMeasured

Monitoring Extensibility

- Application Center WMI Provider
- Extract Application Center logs
- Query and reporting tools
- 3rd party monitoring tools
- WMI event consumer

Demo: Application Availability

Detect → **Analyze** → **Fix**
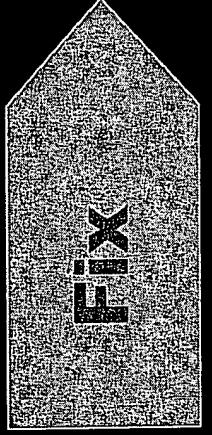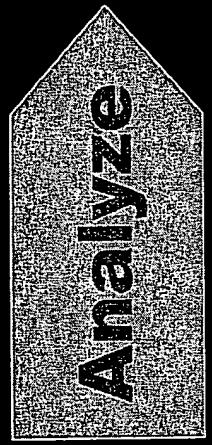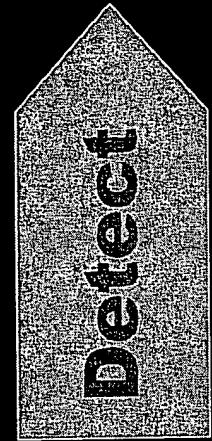
- Create HTTP Monitor
- Web Service Monitor
- Associate Action
- Stop web service on member
- Monitors fail and state goes critical
- Action takes server offline
- E-mail admin and alert in event log

Application Availability

- **Monitors can control load balancing**
  - If monitor fails, server goes offline
  - Default Application Center rule
- **Scriptable to extend behavior**
- **Beware taking all servers offline**
  - Redirect page if database error
  - Or custom scripts

Web Page Monitors

- URL
- Timeout
- Authentication
- HTTP Method
- Post Data
- Custom Headers

HTTP Monitor Properties

General | Details | Actions | Schedule

HHTP Advanced Options

You can specify specific logon information of information to send to a Web server to ensure that the server is processing forms correctly.

HTTP method: GET

Follow HTTP redirects

Form POST data

Extra HTTP headers

OK   Cancel   Apply   Help
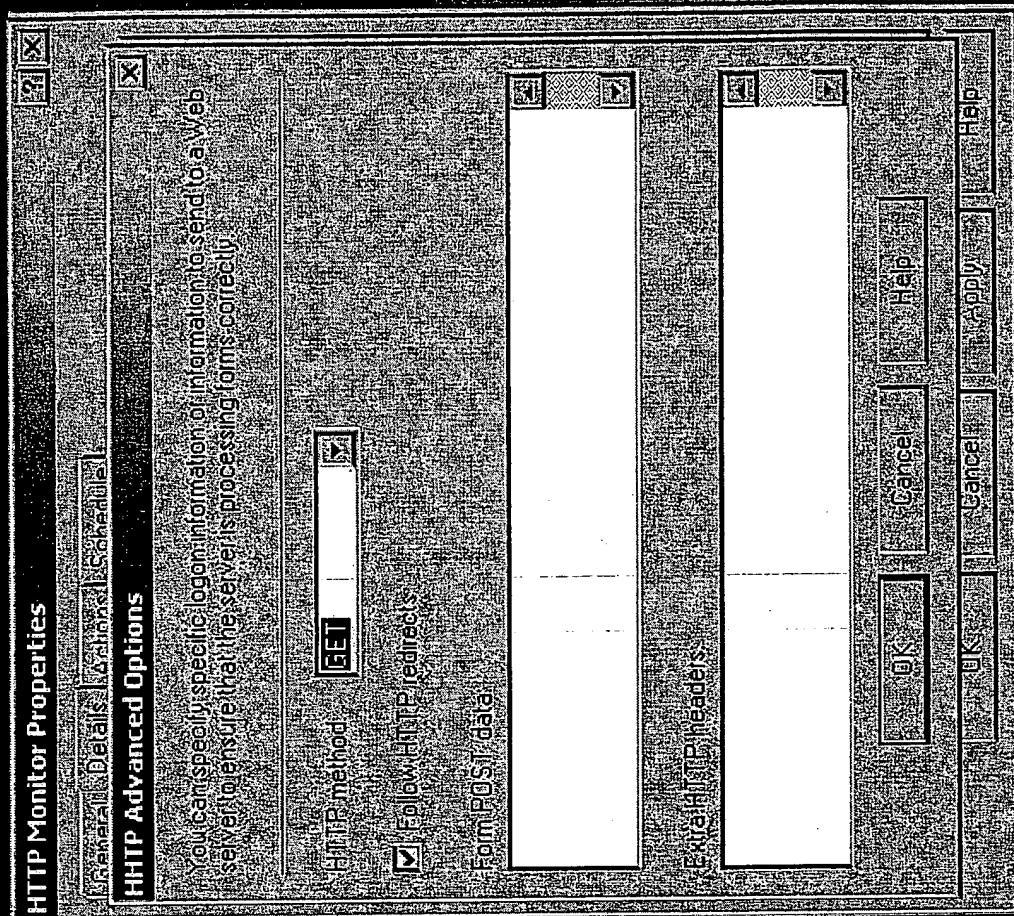
Web Page Monitors

- **Response Properties**
  - ☐ Status code, response time, last modified
  - ☐ Text response, binary response, headers
  - ☐ Content length, received bytes

- **Actions**
  - ☐ Take offline
  - ☐ Redirect to a different page
  - ☐ Check other monitors
  - ☐ Run a script

Database Monitors

- **Database health**
  - ☐ Performance Counters and Events
  - ☐ SQL DMO Provider
- **Connectivity to the server**
  - ☐ TCP/IP port connect
- **Successful query**
  - ☐ ASP page

Database Monitoring Script

Detect → **Analyze** → **Fix**
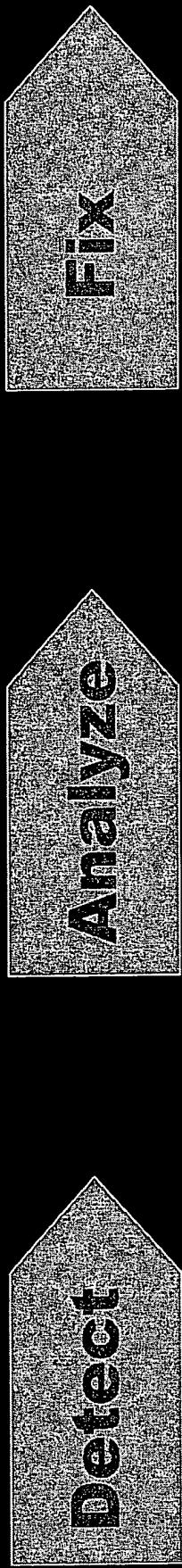
- Demo ASP database monitor

COM+ Statistics Provider

- **Execution metrics**
  - Total committed transactions and per sec
  - Total aborted transactions and per sec
  - Total object creations and per sec
  - Total object activations and per sec
  - Shutdowns: total, timeout, admin, failure
  - Object pool timeouts
- **Win32_Process statistics (dllhost.exe)**
  - Handles, working set, page faults, processor time...

Application Center Monitoring

- ## Health Monitor Integration
  - Monitoring samples
  - Load balancing control
  - Replication of monitors and time
  - Operators view
- ## Cluster-wide event log
- ## Cluster-wide performance counters

Best Practices

Detect → Analyze → Fix
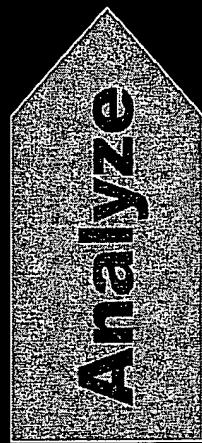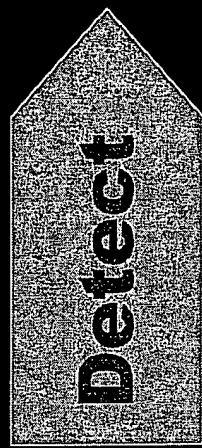
- Instrumentation
  - ☐ HTTP, ping and port connect monitors
  - ☐ PerfMon and Event Log
  - ☐ WMI Provider
- Monitor application health
  - ☐ What does availability mean to you?
  - ☐ Baseline performance
  - ☐ Watch out for false positives

Call to Action

- Install Application Center Beta 1 !
- Monitor and instrument your applications
- Develop an operations plan
- Understand WMI

Related Sessions And References

- ## Other PDC sessions recommended

  - *Load-Balancing .NET Platform Applications with Application Center 2000*
    (2-315, Room 311, 9/12/00, 2:45 p.m. Ori Amiga)

  - *Using WMI to Build Management into .NET Platform Applications*
    (3-344, Room 304, 9/12/00, 2:45 p.m. Corina Feuerstein; Travis Muhlestein; Stephen Todd)

  - *Scaling out the Data Tier with Shared Nothing Clustering Technology in SQL Server 2000 and Beyond*
    (2-328, Room 109, 9/13/00, 5:30 p.m., Pedro Celis)

- ## References

  - http://www.microsoft.com/applicationcenter

  - WMI Reference: Platform SDK, Management Services

Where do **you** want to go today?

Microsoft